

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- February 23, 1966

Appeal No. 8492 Joseph H. Tashoff, et all appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried, with Mr. Harps and Mr. Davis dissenting, the following Order was entered at the meeting of the Board on March 4, 1966.

EFFECTIVE DATE OF ORDER -- May 16, 1966

ORDERED:

That, upon rehearing, the appeal for a variance from the provisions of Section 3301 of the Zoning Regulations requiring 900 square feet of land area per unit for conversion of a two-unit flat to a three unit apartment building at 137 N. Carolina Avenue, SE., lot 48, square 735, be denied.

From the record and the evidence adduced at the public hearing, the Board finds the following facts:

(1) The Board incorporates in the record of this case the facts found at the hearing of December 15, 1965.

(2) Appellants state that they have spent \$30,000 to renovate the building.

(3) A certificate of occupancy, No. B-53738 dated January 21, 1966, has been issued. The certificate permits the use of the building as flats.

(4) Exhibit No. 31 is a letter from Mr. Chester E. Merrow, an adjoining property owner, favoring the granting of this appeal.

(5) There was conflicting testimony as to whether appellant has already made the third floor of this building into an apartment.

(6) There was opposition to the granting of this appeal registered at the public hearing.

OPINION:

The Board is of the opinion that the appellant has presented no new evidence sufficient to overcome the Order

entered after the December 15, 1965, hearing. The opinion of the Board in that Order is incorporated as a part of this Order.

The Board orders the record of the original case corrected to show that Messrs. Scrivener and McIntosh voted against the granting of this appeal. Messrs. Harps and Davis were in favor of granting this appeal.

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- December 15, 1965

Appeal No. 8492 Leon A. Tashoff, et al, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made and seconded with Mr. Scrivener and Mr. McIntosh dissenting, the following Order was entered at the meeting of the Board on December 22, 1965.

EFFECTIVE DATE OF ORDER -- May 16, 1966

ORDERED:

That the appeal for a variance from the provisions of Section 3301 of the Zoning Regulations requiring 900 square feet of land area per unit for conversion of two-unit flat to a three unit apartment building at 137 N. Carolina Avenue, SE., lot 48, square 735, be denied.

From the record and the evidence adduced at the public hearing, the Board finds the following facts:

- (1) Appellants' lot has a frontage of 17 feet on North Carolina Ave. with an approximate depth of 95 feet to a public alley in the rear. The lot contains an area of 1669 square feet of land.
- (2) The property is improved with a three story row dwelling which appellant proposes to convert to three apartment units.
- (3) The Zoning Administrator inspected the subject premises on December 9, 1965, and reported that the building is now converted into a two-family flat in accordance with Building Permit No. B-128656.
- (4) Section 3301 of the Zoning Regulations requires that there be 900 square feet of land per unit for conversion in the R-4 District. Under the Regulations, the appellant would be required to provide 2700 square feet of land to convert to three units.
- (5) The property lacks 1031 square feet of meeting the requirements of the Regulations.
- (6) The Capitol Hill Restoration Society and the Capitol Hill Southeast Citizens Association oppose the granting of this appeal. A petition containing 21 signatures is on file registering opposition of property owners in the neighborhood.

(7) There are signatures of persons in the neighborhood favoring the granting of this appeal.

OPINION:

We are of the opinion that the appellant has failed to establish a hardship within the meaning of the variance clause of the Zoning Regulations.

The Board is also of the opinion that the conversion of this property to a multiple dwelling would have an adverse impact on the value and stability of the single-family homes in this neighborhood. Permission for this conversion would not be consistent with development in this neighborhood.

Although the Board has granted variances to the 900 square feet requirement, the majority is of the opinion that the variance sought in this appeal is too extensive and could not be granted without substantial detriment to the public good and impairment to the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.
